

BEFORE THE DEPARTMENT OF  
NATURAL RESOURCES AND CONSERVATION  
OF THE STATE OF MONTANA

IN THE MATTER OF PETITION TO THE  
DEPARTMENT OF NATURAL RESOURCES AND  
CONSERVATION (DNRC) FOR ESTABLISHMENT  
OF THE HORSE CREEK CONTROLLED  
GROUND WATER AREA NO. 43C-30006730

) NOTICE OF EXPIRATION OF  
) HORSE CREEK TEMPORARY  
) CONTROLLED GROUND WATER  
) AREA AND HEARING TO DECIDE  
) WHETHER TO ALLOW THE  
) TEMPORARY DESIGNATION TO  
) EXPIRE, EXTEND THE TEMPORARY  
) DESIGNATION, OR TO MAKE THE  
) DESIGNATION PERMANENT.

The Department of Natural Resources and Conservation (DNRC) gives notice that the Horse Creek Temporary Controlled Groundwater Area (CGWA) will expire on February 12, 2008. The Horse Creek Temporary Controlled Groundwater Area was designated on February 12, 2004, after hearing pursuant to Mont. Code Ann. §§85-2-506 and -507 (2003), for a period of two years. The Horse Creek Temporary Controlled Groundwater Area designation was extended in 2006, for an additional two years.

The temporary designation was to allow for gathering information on aquifer properties, aquifer recharge, and aquifer withdrawals to assist in determining if a permanent controlled ground water area is warranted and the specific area that should be controlled.

The original petition for the Horse Creek CGWA was comprised of an area located southwest of Absarokee, MT and consisted of approximately 4600 acres all in Stillwater County and was generally described as:

ORIGINAL BOUNDARY AREA			
Quarter Section	Section	Township	Range
S½S½SW¼, S½SW¼SE¼	2	04 South	18 East
S½S½S½, W½W½	3	04 South	18 East
that portion of Section 4 lying east of Grove Creek Road in S½ and E½NE¼;	4	04 South	18 East
that portion of section 9 lying east of Grove Creek Road	9	04 South	18 East
All	10	04 South	18 East
W½, W½E½	11	04 South	18 East
W½, W½NE¼, NW¼SE¼	14	04 South	18 East
All	15	04 South	18 East
All	16	04 South	18 East
N1/2	21	04 South	18 East
N1/2	22	04 South	18 East

The Petitioners requested an expansion of the controlled ground water area boundary on November 16, 2005, to be more in accordance with the area geology. The expanded boundary consists of 7652 acres and the legal descriptions for the expanded boundary is generally described below.

EXPANDED BOUNDARY AREA			
Quarter Section	Section	Township	Range
E½E½	1	04 South	18 East
All	2	04 South	18 East
All	3	04 South	18 East
that portion of Section 4 lying east of Grove Creek Road in the S½ and E½NE¼	4	04 South	18 East
SE¼SE¼	8	04 South	18 East
that portion of section 9 lying east of Grove Creek Road	9	04 South	18 East
All	10	04 South	18 East
W½, W½E½	11	04 South	18 East
W½, W½NE¼, NW¼SE¼	14	04 South	18 East
All	15	04 South	18 East
All	16	04 South	18 East
All	17	04 South	18 East
All	20	04 South	18 East
All	21	04 South	18 East
All	22	04 South	18 East
NW¼	23	04 South	18 East
N½	28	04 South	18 East
N½	29	04 South	18 East

The entire proposed area is located within Stillwater County. See the map for the original boundary and the expanded boundary. The map can be viewed on DNRC's Water Resources Division website, <http://www.dnrc.mt.gov/wrd/default.asp>.

Pursuant to Mont. Code Ann. §85-2-507, "*facts gathered during the study period must be presented at a hearing prior to the designation or modification of a permanent controlled ground water area.*" The Petitioners present the facts gathered during the temporary designation in report form. The Horse Creek Temporary CGWA Petitioners have provided their Report to the Department analyzing the data gathered during the temporary designation. The Report is available on the DNRC's Water Resources Division website. The DNRC is currently reviewing the Report and will prepare comments on the Report. The DNRC's comments as of October 29, 2007, on the Report will be available October 29, 2007. The DNRC's comments will be posted on the DNRC Water Resources Division website. The Petitioner's Report and data, the DNRC's comments and data and the boundary map can be viewed at the Water Resources Regional Office, Airport Business Park, 1371 Rimtop Drive, Billings, MT 59105-1978.

Pursuant to Mont. Code Ann. §85-2-507, the DNRC will hold a hearing on **December 18, 2007**, commencing at 9:00 a.m. in the Great Room of the Cobblestone Community Center, located on South Woodward Avenue in Absarokee, MT. The Department will take comments, evidence, and other information on:

- The Report, DNRC's comments on the Report, and data gathered since the temporary designation;
- Whether the Temporary Controlled Groundwater Area designation should be allowed to expire, be extended for another two years, or become permanent; and
- The conditions and/or controls for any extended temporary designation or permanent designation.

The Petitioners and the DNRC will be present at the hearing to make presentations and take questions regarding the Report and the Department's comments. Comments, evidence, and information may be presented orally or submitted in writing at the hearing. Written submissions must be notarized and will be accepted only at the hearing. **All interested persons should come to the hearing prepared to present all comments, evidence and information they believe relevant to the Report, the DNRC's comments, and any issue in the proceeding.** After the hearing, the DNRC will consider the comments, evidence, and information submitted and issue a final decision to allow the temporary designation to expire, extend the temporary designation, or to make the designation permanent and applicable conditions, controls, and/or modifications.

Additional general and hearing information pertaining to this matter can be obtained on the Department's website <http://www.dnrc.mt.gov/wrd/default.asp>.

If you have questions or need additional information, please contact Jamie Price at 406-444-6615. The Department makes reasonable accommodation for any disability that may interfere with an individual's ability to attend this hearing. For consideration of any such accommodation, please contact Jamie Price at 406-444-6615 (TTD number 406-444-6873) as soon as possible before the hearing date.